



# House of Representatives

General Assembly

**File No. 696**

*January Session, 2001*

Substitute House Bill No. 6669

*House of Representatives, May 9, 2001*

The Committee on Appropriations reported through REP. DYSON of the 94th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT MAKING DEFICIENCY APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2001.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 The following sums are appropriated for the purposes herein  
2 specified for the fiscal year ending June 30, 2001:

T1	GENERAL FUND	
T2	ATTORNEY GENERAL	
T3	Other Expenses	420,000
T4	OFFICE OF THE CHIEF MEDICAL EXAMINER	
T5	Other Expenses	382,771
T6	DEPARTMENT OF MENTAL HEALTH AND	
T7	ADDICTION SERVICES	
T8	Personal Services	4,440,235
T9	DEPARTMENT OF SOCIAL SERVICES	

T10	OTHER THAN PAYMENTS TO LOCAL	
T11	GOVERNMENTS	
T12	Medicaid	61,158,540
T13	Connecticut Pharmaceutical Assistance Contract	11,000,000
T14	to the Elderly	
T15	State Administered General Assistance	9,700,000
T16	AGENCY TOTAL	81,858,540
T17	DEPARTMENT OF EDUCATION	
T18	PAYMENTS TO LOCAL GOVERNMENTS	
T19	Excess Cost – Student Based	8,000,000
T20	BOARD OF EDUCATION AND SERVICES	
T21	FOR THE BLIND	
T22	Personal Services	500,000
T23	Other Expenses	792,819
T24	AGENCY TOTAL	1,292,819
T25	DEPARTMENT OF CHILDREN AND FAMILIES	
T26	Other Expenses	2,500,000
T27	OTHER THAN PAYMENTS TO LOCAL	
T28	GOVERNMENTS	
T29	No Nexus Special Education	1,700,000
T30	Board and Care for Children – Adoption	3,158,031
T31	Board and Care for Children - Residential	9,500,000
T32	AGENCY TOTAL	16,858,031
T33	PUBLIC DEFENDER SERVICES COMMISSION	
T34	Special Public Defenders, Non-Contractual	540,000
T35	TOTAL	113,792,396
T36	GENERAL FUND	
T37	SPECIAL TRANSPORTATION FUND	
T38	DEPARTMENT OF TRANSPORTATION	
T39	Other Expenses	229,000

T40	Bus Operations	2,700,000
T41	AGENCY TOTAL	2,929,000
T42	MISCELLANEOUS APPROPRIATIONS	
T43	ADMINISTERED BY THE COMPTROLLER	
T44	EMPLOYERS SOCIAL SECURITY TAX	
T45	Other Expenses	250,000
T46	STATE EMPLOYEES HEALTH SERVICE COST	
T47	Other Expenses	350,000
T48	TOTAL	600,000
T49	MISCELLANEOUS APPROPRIATIONS	
T50	ADMINISTERED BY THE COMPTROLLER	
T51	TOTAL	3,529,000
T52	SPECIAL TRANSPORTATION FUND	
T53	MASHANTUCKET PEQUOT AND	
T54	MOHEGAN FUND	
T55	MASHANTUCKET PEQUOT AND	
T56	MOHEGAN FUND GRANT	
T57	PAYMENTS TO LOCAL GOVERNMENTS	
T58	Grants to Towns	3,000,000
T59	TOTAL	3,000,000
T60	MASHANTUCKET PEQUOT AND	
T61	MOHEGAN FUND	

**APP**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** Cost

**Affected Agencies:** Various

**Municipal Impact:** Increased Grant Adjustments

	Current FY	FY 02	FY 03
State Cost	120,321,396		
State Revenue			
Net State Impact			
Municipal Impact	11,000,000		

**Explanation****State and Municipal Impact:**

The bill appropriates \$120.3 million for various agencies and accounts, including \$11 million in increased grants for municipalities related to special education costs and General Assistance audit adjustments which relate to the level of funding for the Mashantucket Pequot and Mohegan grants.

Currently, FY 01 appropriations are under the spending cap by \$57.7 million. Passage of this bill will result in FY 01 appropriations

exceeding the cap by approximately \$62.6 million. Sec. 2-33a (CGS) (the statutory spending cap), requires a declaration of emergency or extraordinary circumstance from the governor and a minimum three-fifths vote of the General Assembly to exceed the cap.

Emergency Certified HB 7050, which passed both the House and the Senate and has been signed by the governor, accelerates the appropriation of \$34 million for some of the accounts contained within sHB 6669.

Explanations of each item in deficiency per sHB 6669 are presented below.

### **FY 01 Projected General Fund Deficiencies**

#### **Office of the Attorney General**

<b>OPM</b> <i>Gross Deficiency</i> \$(420,000)	<b>OFA</b> <i>Gross Deficiency</i> \$(420,000)	<b>Less:</b> <i>Available Funds</i> \$0	<b>OFA</b> <b>Net</b> <i>(Deficiency)/</i> <b>Surplus</b> \$(420,000)
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The Office of the Attorney General has a projected gross deficiency of \$420,000, which represents 2% of the agency's original FY 01 appropriation. The deficiency is due to unpaid bills from the agency's Year 2000 Conversion.

#### **Office of the Medical Examiner**

<b>OPM</b> <i>Deficiency</i> \$(385,000)	<b>OFA</b> <i>Gross Deficiency</i> \$(485,000)	<b>Less</b> <i>Available Funds</i> \$102,229	<b>OFA</b> <b>Net</b> <i>(Deficiency)</i> \$(382,771)
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The Office of the Medical Examiner will incur a gross deficiency of \$485,000 in FY 01. This deficiency represents 10.6% of the agency appropriation. The deficiency is explained below.

An increase in cremations to 9,200 in FY01 that must be investigated by the Assistant Medical Examiners has resulted in an unbudgeted shortfall of \$442,460. Temporary personnel service costs that were unexpected resulted in a cost of \$18,500. Other unexpected costs during FY01 include:

- Expenditure of \$10,240 for an extended service warranty for a laboratory instrument purchased in FY 99 with Y2K funds.
- Laboratory and diversity training had a cost of \$9,200 that was not anticipated.
- Expenditure for an eyewash emergency shower with a cost of \$4,600.

The office has a \$50,000 lapse in Personal Services, a PS holdback of \$36,506 and an allotment reduction of \$15,723 that could be used to reduce the deficiency to \$382,771.

#### **Department of Mental Health and Addiction Services**

<b>OPM Deficiency \$(9,160,000)</b>	<b>OFA Gross Deficiency \$(14,090,735)</b>	<b>Less: Available Funds \$9,650,500</b>	<b>OFA Net (Deficiency)/ Surplus \$(4,440,235)</b>
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The Department of Mental Health and Addiction Services has a projected gross deficiency of \$14.1million, which represents 3.0% of the original FY 01 appropriation. This assumes that \$1.6 million in

allotment reductions from various accounts are not released. The department is also expected to lapse \$8.0 million in various accounts. If the allotment reductions are released and the other unspent funding is made available via FAC transfer, an estimated net deficiency of \$4.4 million would result.

This deficiency is primarily due to increased costs in the Personal Services (\$6.4 million), Other Expenses (\$2.4 million), and General Assistance (\$7.9 million) accounts. The Personal Services shortfall arises from the cost of the new Dutcher ward at Connecticut Valley Hospital (\$2.1 million) as well as higher than anticipated expenditures for physician on call pay and overtime costs due to slow position refills. The Other Expenses shortfall can be largely attributed to increased natural gas costs for CVH (\$.9 million), moving costs for the Bridgeport center (\$.5 million), as well as the costs associated with the Dutcher ward.

The General Assistance deficiency is due to an increase in GA eligible clients, with resulting increases in service and contractual administrative costs. An unbudgeted rate increase for partial hospital programs at freestanding psychiatric hospitals, implemented at the direction of the Office of Policy and Management, also contributes to the anticipated GA deficiency. It should be noted that the GA deficiency may be partially offset as a result of the retroactive recoupment of claims for Medicaid eligible clients.

#### Department of Social Services

<b>OPM Deficiency</b> \$(84,000,000)	<b>OFA Gross Deficiency</b> \$(135,479,748)	<b>Less: Available Funds</b> \$53,621,208	<b>OFA Net (Deficiency)/ Surplus</b> \$(81,858,540)
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The Department of Social Services has a projected gross deficiency

of \$135.5 million, which represents 4.0% of the original FY 01 appropriation. This assumes that \$6.5 million in allotment reductions from various accounts are not released. The department is also expected to lapse \$47.1 million in several accounts. If the allotment reductions are released and the other unspent funding is made available via FAC transfer, an estimated net deficiency of \$81.9 million would result. The majority of the projected shortfalls occur in six programs: Medicaid, ConnPACE, State Administered General Assistance (SAGA), Temporary Family Assistance (TFA), Other Expenses, and Privatize Data Processing Services.

**Medicaid** - Medicaid expenditures are estimated to be \$96.8 million greater than appropriated for FY 01, based upon 8 months of actual 4 months of projected data. This represents 4.3 percent of the \$2.3 billion account for long-term care and health services.

Five areas of health care spending are contributing to the projected deficiency in the Medicaid account for FY 01. Those areas and the projected amount over budget are as follows: 1) hospital inpatient - \$10 million; 2) pharmacy - \$32 million; 3) home care - \$15 million; 4) psychiatric reinsurance claims under the managed care program - \$10 million; and 5) hardship rate increase and staff costs related to work stoppages for nursing homes - \$12 million. In addition to these areas of higher spending, an estimated \$14.8 million in claims from FY 00 were carried forward into FY 01 for payment. This totals \$93.8 million in expenditures over budget. Various other deficiencies and as well as surpluses net to an additional \$3 million.

The expenditure increases in nursing homes are due to unanticipated interim rate changes for facilities having financial difficulty. It should be noted that there are 37 nursing homes in receivership at this time and that there is an effort by the department to avoid financial instability by providing rate relief.

Pharmacy costs continue to rise and the cost savings initiatives



imposed by the legislature have not yet been fully implemented. If implementation is successful, there may be a reduction in the projected deficiency in this area of service.

Psychiatric reinsurance claims were budgeted at \$15 million for FY 01. There is an indication that more claims than anticipated will be received by the state resulting in a \$10 million shortfall. The department provides reinsurance to managed care organizations that cover TANF and DCF clients. Claims that exceed a certain amount are covered by the state so that there will not be an interruption in mental health services provided to these clients. This became part of the state contract with the managed care organizations in the previous fiscal year. With only one year of experience, it is difficult to estimate the level of claims that will become eligible for reinsurance and the cost associated with those claims.

Finally, \$14.8 million Medicaid claims from FY 00 had to be carried into FY 01 due to a lack of funds. While the legislature did provide for an additional \$5 million at the end of the 2000 session, this was not enough to fully meet the requirements of Medicaid in FY 00.

**ConnPACE** - A deficiency of \$6.3 million is projected for the ConnPACE program. This shortfall is primarily attributable to an unanticipated increase in enrolment of approximately 4,100 over budgeted levels.

**State Administered General Assistance** - Based on the first eight months of expenditure data, the SAGA program has a projected deficiency of \$10.8 million, which represents 12.7% of the program's original appropriation. The SAGA program provides both cash and medical assistance to needy clients. The projected shortfall arises from the medical assistance portion of the program, which has seen continued higher than anticipated caseloads, as well as increased medical and pharmaceutical inflationary pressures that have also lead to the projected deficiencies in the Medicaid and ConnPACE accounts.

**Temporary Family Assistance** – The TFA program currently has a \$7.4 million projected shortfall for FY01, which represents 5.3% of the program's original appropriation. Since the passage of Connecticut's welfare reform efforts in 1996, this program's caseload has steadily declined from an average monthly caseload of over 60,000. Although this decline has continued through the first eight months of the fiscal year, it has done so at a slower than projected pace. The FY 01 appropriation assumed an average monthly caseload of 26,083. However, OFA currently projects an average monthly caseload of over 27,579. A lower than projected cost per case in the first eight months has somewhat mitigated the effects of this higher caseload.

**Other Expenses and Data Processing Services** – There is a projected deficiency in these two accounts of approximately \$13.6 million. Expenditures over the first eight months of the year have been significantly higher than originally expected, in part due to higher energy costs and unbudgeted data processing costs.

**Offsetting lapses totaling \$46.2 million are available primarily within the following DSS accounts to offset the above deficiencies.**

**Child Care** – The combined child care service accounts are expected to have \$21.9 million unspent (19.2% of the original FY 01 appropriation) due to lower than budgeted caseload and a slightly lower cost per case. The FY 01 appropriation was based on an average monthly caseload of 18,850 cases, however the actual caseload is 2,702 cases below the budgeted level (or 14.3% fewer cases). Additionally, the average monthly cost per case was budgeted at \$600 per case, yet the actual cost per case is \$549 (8.5% below budgeted costs). The anticipated unspent funds include \$3.78 million that is part of the Governor's allotment reductions.

**Supplemental Assistance** – The Supplemental Assistance Programs (Aid to the Disabled, Aid to the Blind, Old Age Assistance) have a combined projected lapse of \$8.2 million. This is due primarily to

lower than budgeted caseloads for Aid to the Disabled (800 fewer average cases per month) and Old Age Assistance (150 fewer average cases per month). In addition, the January 2001 Social Security Cost of Living increase is expected to be 3.5%, higher than was anticipated in the budget. As any such federal increases reduce the state's monthly payments under these programs, a lower than budgeted cost per case is expected

**Child Day Care** - The two Child Day Care accounts, which provide grants and technical assistance to support the operation of child day care centers statewide, have a combined estimated lapse of \$12.2 million. The department shifted a portion of the funding for these two programs to the federal Social Services Block Grant (SSBG). Additional SSBG funds were available for this purpose. This projected lapse is an accounting change and does not represent a reduction in services.

#### Department of Education

<b>OPM Deficiency \$(8,000,000)</b>	<b>OFA Gross Deficiency \$(9,400,000)</b>	<b>Less: Available Funds \$1,400,000</b>	<b>OFA Net (Deficiency)/ Surplus \$(8,000,000)</b>
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The state Department of Education has a projected deficiency of \$8 million, which represents .4% of the department's original FY 01 appropriation. The deficiency is due to higher than projected costs in the Special Education - Student Based grant, commonly referred to as the Catastrophic Costs grant. The FY 01 budget for this grant was predicated on a 5% growth rate however eligible expenditures by local school districts rose at more than 14%. This rise was due to both growth in the per student cost of special education placements and in the number of students served. The current estimate of the shortfall in

this account is \$9,400,000. It is anticipated that a portion of the gross deficiency will be offset by lapses in various accounts most notably ECS, where due to audits of prior year data will have a lapse of approximately \$2,100,000.

#### Board of Education and Services for the Blind

<b>OPM</b> <i>Gross Deficiency</i> \$(1,300,000)	<b>OFA</b> <i>Gross Deficiency</i> \$(1,300,000)	<b>Less:</b> <b>Available Funds</b> \$7,181	<b>OFA</b> <b>Net</b> <b>(Deficiency)/</b> <b>Surplus</b> \$(1,292,819)
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The Board of Education and Services For The Blind has a projected gross deficiency of \$1.3 million for FY01 that represents 9% of the original FY 01 appropriation. This assumes that an allotment reduction of \$7,181 is not released. If the allotment reduction is released, an estimated net deficiency of \$1,292,819 million would result.

The deficiency is occurring in Personal Services and Other Expenses. A portion of the amount in Personal Services is required for 15 positions that were inappropriately charged to federal Vocational Rehabilitation funds. The General fund will now cover these positions. Personal Services funds are also needed to cover the loss of federal pass-through funds from the Department of Education for temporary positions. The agency did not implement a mandated reduction of two positions and has since incurred another vacancy. The agency has 85 authorized positions with 86 filled.

The agency's deficiency in Other Expenses includes:

- \$400,000 for the completion of a Client Management System.

- \$100,000 for the review of the agency's industries operation.
- \$100,000 for insufficient funding of janitorial and property management at the department's new Windsor office.

### Department of Children and Families

<b>OPM</b> <i>Gross Deficiency</i> \$(20,600,000)	<b>OFA</b> <i>Gross Deficiency</i> \$(23,623,407)	<b>Less:</b> <b>Available Funds</b> \$6,765,376	<b>OFA</b> <b>Net</b> <b>(Deficiency)/</b> <b>Surplus</b> \$(16,858,031)
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The Department of Children and Families has a projected gross deficiency of \$23.6 million, which represents 5.1% of its original FY 01 appropriation of \$464.5 million. This assumes that a Personal Services holdback of \$2.3 million, an Other Expenses holdback of \$0.9 million and allotment reductions, totaling \$0.6 million across various accounts, are not released. The department is also expected to lapse \$3.0 million in various accounts. If the holdbacks and allotment reductions are released and the other unspent funding is made available via FAC transfer, an estimated net deficiency of \$16.8 million would result.

Contributing to the gross deficiency are shortfalls of:

\$3.4 million (14.3% of the original budget) in Other Expenses, primarily attributable to unexpected costs incurred to support a temporary 20-bed juvenile detention facility on the grounds of Long Lane School; higher than anticipated energy/utility costs, additional expenses incurred to retain outside professional psychiatric services for clients at Long Lane School and Riverview Hospital due to difficulties recruiting comparable state staff, as well as costs associated with relocating several regional offices which were originally planned to move in FY 00 but were delayed to the present fiscal year.

\$1.7 million (46.1% of the original budget) in No Nexus Special Education costs based upon revised caseload estimates. Expenditures are determined by per diem billings and fluctuate with the number of students in private residential placement. This shortfall reflects a growth in the out-of-home residential population, as described below;

\$18.4 million (14.4% of the original budget) in adoption and residential costs based on current caseload trends. Budgeted funds anticipated average monthly expenditures for the Board and Care for Children – Adoption account of \$2.1 million. Current projections indicate that expenditures will average \$2.525 million, leading to an anticipated shortfall of \$5.1 million. This is due to an unexpected increase (of approximately 615) in the number of children entering adoptive and guardianship placements. As of March 2001, some 3,307 children were in subsidized adoption placement while 605 children were in subsidized guardianship situations. These numbers are anticipated to grow by another 100 before the end of the fiscal year. Additionally, a shortfall of approximately \$13.3 million is projected for the Board and Care for Children – Residential account. This is primarily attributable to an estimated additional 200 children over budgeted in privately operated facilities.

Minor shortfalls, totaling \$0.1 million, are also projected for various grant accounts.

#### **Public Defender Services Commission**

<b>OPM</b> <i>Gross Deficiency</i> \$(540,000)	<b>OFA</b> <i>Gross Deficiency</i> \$(900,000)	<b>Less:</b> <b>Available Funds</b> \$360,000	<b>OFA</b> <b>Net</b> <b>(Deficiency)/</b> <b>Surplus</b> \$(540,000)
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The Public Defender Services Commission has a projected gross deficiency of \$900,000, which represents 2.9% of the agency's original

FY 01 appropriation. This assumes that a Personal Services holdback of \$271,102, an Other Expenses holdback of \$49,684 and an allotment reduction of \$39,175 in Personal Services are not released. If the holdbacks and allotment reductions were released a net deficiency of \$540,000 would result.

The deficiency is due to the cost of assigning private attorneys to handle appeals, and to murder trials and death penalty cases where there is a conflict of interest with clients of this agency. In addition, bills of about \$200,000 were carried forward from the prior year. The agency experienced a 22% increase in appeals in FY 00 that are resulting in cost in the current year. An additional 67 appeals have been assigned to special public defenders in FY 01. The special murder dockets that were established in the largest Judicial Districts has also contributed to the need for special public defenders as has the increased usage of these attorneys in capital cases. Of the 46 capital cases handled since July 1, 2000, 16 cases have been handled by special public defenders, two of which are currently at the trial level.

**Total Projected General Fund Deficiencies:**

<b>OPM</b> <i>Deficiencies</i> \$(124,405,000)	<b>OFA</b> <i>Major Deficiencies</i> \$(185,698,890)*	<b>Less:</b> <b>Available Funds</b> \$71,906,494**	<b>OFA</b> <b>Net</b> <b>(Deficiency)/</b> <b>Surplus</b> \$(113,792,396)
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\*OFA gross deficiencies actually total \$201.7 million; however, \$16 million of this figure will be covered by other lapsing amounts that exist within the affected agencies.

\*\*Includes: PS/OE Holdbacks, Allotment Reductions and other projected account balances.

### FY 01 Projected Transportation Fund Deficiencies

#### Department of Transportation

<b>OPM Deficiency \$(2,929,000)</b>	<b>OFA Gross Deficiency \$(2,929,000)</b>	<b>Less: Available Funds \$0</b>	<b>OFA Net (Deficiency)/ Surplus \$(2,929,000)</b>
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The Department of Transportation has a projected gross deficiency of \$2,929,000 which represents .93% of the agency's original FY 01 appropriation. However, this assumes that due to an over expenditure of \$2.8 million in the Snow and Ice Removal program, the Personal Services allotment reduction of \$1,575,000 will be transferred to pay for these additional Other Expenses requirements through the Finance Advisory Committee (FAC) process. The gross deficiency also reflects the \$1 million allotment reduction in Other Expenses which was rescinded on March 2, 2001 due to the over expenditure for snow and ice removal. The net deficiency of \$2.9 million results from an additional \$229,000 necessary to cover the Snow and Ice Removal costs and \$2.7 million necessary to cover higher fuel costs in FY 01. The major portion of the \$2.7 million will be incurred by CT Transit (\$2.2 million) which services Hartford, New Haven and Stamford. The remaining portion of the costs will be incurred by other transit operators.

#### Miscellaneous Accounts Administered by the State Comptroller (STF)

<b>OPM Deficiency \$(600,000)</b>	<b>OFA Gross Deficiency \$(700,000)</b>	<b>Less: Available Funds \$100,000</b>	<b>OFA Net (Deficiency)/ Surplus</b>
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			<b><i>\$(600,000)</i></b>
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It is anticipated that the Employer's Social Security account in the Special Transportation Fund (STF) will have a deficiency of \$250,000, which is 2.1% of the original appropriation of \$11.9 million. This shortfall is the result of unanticipated overtime resulting from several weekend snowstorms and an increase in the percentage of fringe benefits charged to the STF. The Health Service Cost account in the STF is anticipating a deficiency of \$450,000, which is 2.6% of the original appropriation of \$16.9 million. This shortfall is the result of an increase in the percentage of fringe benefits charged to the STF. If other unspent funding were made available via FAC transfer, a net deficiency of \$600,000 would result.

**Total Projected Transportation Fund Deficiencies:**

<b>OPM</b> <i>Deficiencies</i> <b><i>\$(3,529,000)</i></b>	<b>OFA</b> <i>Gross Deficiencies</i> <b><i>\$(3,629,000)</i></b>	<b>Less:</b> <b>Available Funds</b> <b><i>\$100,000</i></b>	<b>OFA</b> <b>Net</b> <b>(Deficiency)/</b> <b>Surplus</b> <b><i>\$(3,529,000)</i></b>
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**Mashantucket Pequot & Mohegan Fund**

<b>OPM</b> <i>Gross Deficiency</i> <b><i>\$(3,000,000)</i></b>	<b>OFA</b> <i>Gross Deficiency</i> <b><i>\$(3,000,000)</i></b>	<b>Less:</b> <b>Available Funds</b> <b><i>\$0</i></b>	<b>OFA</b> <b>Net</b> <b>(Deficiency)/</b> <b>Surplus</b> <b><i>\$(3,000,000)</i></b>
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The Mashantucket Pequot and Mohegan Fund grant has a projected

gross deficiency of \$3,000,000.

The deficiency is due to lower than anticipated budgeted recoveries from General Assistance audits which relate to the level of funding for the Mashantucket Pequot and Mohegan grants.

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**OFA Bill Analysis**

sHB 6669

**AN ACT MAKING DEFICIENCY APPROPRIATIONS FOR THE  
FISCAL YEAR ENDING JUNE 30, 2001.**

**SUMMARY:**

This bill provides additional funds to various agencies to meet obligations in the current fiscal year.

The fiscal note provides detailed descriptions of the additional appropriation items.

EFFECTIVE DATE: Upon Passage

**COMMITTEE ACTION**

Appropriations Committee

Joint Favorable Substitute

Yea 31      Nay 16